IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17974 of 2004

Between:

S.Shantha Devi, W/o.S.Muralidhar Goud,
R/o.H.No.3-1-133, I.B.Road, Tandur, RR Dist.

..... PETITIONER

AND

1 Municipality, Tandur, RR District. rep.by its Commissioner.
2 The R.D.O., Vikarabad, RR Dist.
3 The Dist. Collector, RR Dist.
4 The Principal Govt. Junior College, Tandur, RR Dist.
5 The Executive Engineer, R & B., Vikarabad, RR Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus; i) declaring the action of the Respondent authorities in trying to dispossess the petitioner by constructing the compound wall on plot No.20. situated at ward No.3, block No.1, sy.No.135, I.B. Road, Tandur Municipality, Ranga Reddy District, as arbitrary, illegal, violative of the articles 14, 21 and 300A of the Constitution of India; ii) to set aside the proceedings of the Respondent No.1 in Lr. Roc.No.C/97/2004 dated 3-3-2004 by directing the Respondent authorities not to interfere with the possession of the petitioner on plot bearing No.20, situated at ward No.3, block No.1, sy.No. 135, I.B.Road, Tankur, Municipality, Ranga Reddy District.

Counsel for the Petitioner:MR.A.SUDERSHAN REDDY

Counsel for the Respondent No.1: MR.R.TIMMA REDDY

Counsel for Respondents No.2 and 3:GP FOR REVENUE

Counsel for the Respondent NO.4: GP FOR EDUCATION

Counsel for the Respondent No.5:GP FOR ROADS AND BUILDINGS

The Court at the stage of admission made the following :

ORDER:

The relief claimed in this writ petition is mainly with regard to the title and identity to the property in question.

The petitioner claims to be in possession of plot bearing No.20, situated at Ward No.3, Block No.1, Sy.No.135, I.B.Road, Tandur, Ranga Reddy District, whereas the 4th respondent is taking steps to construct a compound wall by encroaching upon the said plot. Aggrieved thereby, the petitioner made a representation to the 1st respondent bringing to his notice about the illegal action of the 4th respondent. The 1st respondent through order, dated 29-09-2004, informed the petitioner as to the dispute between the Government and private party with regard to the said land, and directed her to approach the Revenue Divisional Officer, seeking appropriate relief. Subsequently, the petitioner made a representation to the 2nd respondent-Revenue Divisional Officer, stating about the attempts being made by the 4th respondent. In spite of the same, the respondents are trying to dispossess the petitioner from the subject land without any notice or enquiry. Hence, this writ petition.

The dispute, in question, relates to title and identity to the property, which cannot be adjudicated by this Court. The proper remedy for the petitioner is to approach either the revenue officials or competent Court of civil jurisdiction, to safeguard her rights over the said land.

Subject to above observation, the writ petition is dismissed. No costs.

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A.GOPAL REDDY,J

Dated:05-10-2004

GJ

To

1. The Commissioner, Municipality, Tandur, RR District.

2 The R.D.O., Vikarabad, RR Dist.
3 The Dist. Collector, RR Dist.
4 The Principal Govt. Junior College, Tandur, RR Dist.
5 The Executive Engineer, R & B., Vikarabad, RR Dist.

6. Two C.Cs. to the GP for Revenue, High Court of A.P., Hyderabad(OUT)

7. Two C.Cs. to the GP for Education, High Court of A.P., Hyderabad (OUT)

8. Two C.Cs. to the GP Roads and Buildings, High Court of A.P., Hyderabad. (OUT)

9. Two C.D. copies.